

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSE SHIELDS) Case No.: 4:13 CV 2426
vs. Plaintiff,) ACTION FILED: August 19, 2013
vs.) **DEMAND FOR JURY TRIAL**
SEARS, ROEBUCK AND COMPANY,)
HOME IMPROVEMENT LEADS INC.,)
DIRECT ENERGY US HOME SERVICES)
INC. D/B/A HALLMARK ONE HOUR AIR)
CONDITIONING & HEATING AND AIR)
SPECIALIST HEATING AND AIR)
CONDITIONING COMPANY INC.,)
Defendants.)

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff Joe Shields (“Plaintiff”) and Defendants Home Improvement Leads, Inc. (“HIL”) and Sears, Roebuck and Company (“Sears”) (collectively, “Defendants”) file this Joint Stipulation of Dismissal with Prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

1. On August 19, 2013, Plaintiff filed the above-styled Action.
2. Plaintiff no longer desires to prosecute his claims against Defendants. All matters previously in controversy have been amicably settled.
3. Defendants, who have filed answers, agree to the dismissal.
4. As of the date of the filing of this Joint Stipulation of Dismissal with Prejudice, HIL and Sears are the only defendants who remain in this Action. All other defendants have been dismissed.
5. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.

6. A receiver has not been appointed in this case.
7. This case is not governed by any federal statute that requires a court order for dismissal of the case.
8. Plaintiff has not previously dismissed any federal or state court suit based on or including the same claims as those presented in this case.
9. This dismissal is with prejudice with each party to bear its own costs of court.

Respectfully submitted,

JOE SHIELDS

/s/ Joe Shields w/ permission
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PLAINTIFF

- and -

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/s/ Andrew M. Scott
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically on the 14th day of November, 2013, and is available for viewing and downloading from the ECF system. Notice of Electronic Case Filing has been sent automatically to all parties listed in the Service List in effect on the date of electronic filing, which constitutes service of same, and satisfies the requirements of Fed. R. Civ. P. 5(b)(2)(D). Service on those parties who are not known to be users of the electronic filing system of the Southern District of Texas was accomplished via certified mail and/or via first class U.S. mail on November 14, 2013.

/s/ Andrew M. Scott
ANDREW M. SCOTT